

## CRCPD Committee on Medical Practice (H-3) Recommended Film Retention Policy for Medical Facilities

The Committee on Medical Practice has identified variations in the requirements imposed for the length of time that facilities retain hard copies (film, tape, digital, CD, etc.) and written reports resulting from medical and dental imaging procedures (hereinafter referred to as medical imaging procedures). These retention requirements are due to differences in federal and state statutes, regulations, and policies for each jurisdiction.

The Committee on Medical Practice has been charged with developing suggested a policy on film retention. To provide uniformity in the development of regulations and policies throughout the country, the policy includes retention of the hard copies and written reports for medical imaging procedures.

### Background discussion -

A review of existing federal and state statutes, regulations, and policies indicated a variety of methods of dealing with the retention of the hard copy and written report (Journal of the American Health Information Management Association, June 1999, <http://www.ahima.org>). These regulations appear to have been written primarily for hospitals, and in most cases have excluded “free-standing” facilities. For the purposes of this document, “free-standing” is defined as those facilities that are not hospitals, yet provide medical or dental imaging procedures. The definition of “free-standing” also incorporates mobile services.

State record retention regulations vary from state to state and are typically based upon the age of the patient. For example, most of the requirements for record retention for adults are in the range of 5 –11 years. One jurisdiction required 2 years for retention, whereas several required up to 30 years, and one even mandated permanent retention. In the case of minors, the majority of the jurisdictions required a retention period of 7 years beyond the age of majority. The retention requirement for the records of minors varied from 20 to 43 years of age. Again in one case, the film retention requirement for minors was permanent.

Federal regulations involving Medicare, Medicaid, and Welfare for example, also differ in how they are applied from state to state, and apparently with a similar range of diversity as the state retention regulations.

Our research indicated that there are a number of methods available for medium-term x-ray film storage (greater than 10, but less than 100 years). These are specified in the standards of the American National Standards Institute, Inc. (ANSI), and the Photographic and Imaging Manufacturers Association, Inc. (PIMA formerly NAPM) publications ANSI/PIMA IT 9.11 (1998) and ANSI/NAPM IT 9.1 (1996).

In addition to the storage environment and other conditions for film storage described in the above standards, the following methods of film retention and storage may be considered. These include conversion to microfiche, on-site storage, and off-site storage.

Of these options, microfiche appears to be the more appropriate means of film storage. This method suggests the most efficient means of storage, primarily due to its limited space requirements. Microfiche is also a proven long-term storage technology that is easy to use, has reproducible images, and the equipment is readily available. If properly employed, the other options could be considered as acceptable alternatives as well. Prior to the implementation of any one of these options, the storage requirements as defined in the aforementioned ANSI documents must be considered.

#### Considerations for establishing retention period -

The following issues should be considered in determining the retention period for medical imaging records:

- Medical records must be retained in order to support treatment, and to provide a record of the treatment and diagnosis. This refers to the legal requirements that exist for record retention based in part upon the Statutes of Limitations. Therefore, the record retention policy should not be less than the limit specified as defined by federal and state law or statute.
- Previous films taken may be very important for tracking the progression or reversal of disease states, and the efficacy of treatment protocols. After the patient has started a treatment protocol, the physician may order additional images to determine if the treatment has been effective. One of the primary tools the physician uses is comparison of previous and current medical images.
- Access to previous medical images may be necessary for a specialist or a physician providing a second opinion. In addition, many HMO's and insurance companies may require copies of medical or dental images or reports as part of an audit process for documentation of services rendered.
- There are other situations where films should be retained. These include historical documentation, medical research, and clinical trials.

#### Policy Recommendation -

The Committee recommends that the time period for record retention be 7 years for those of the age of majority as defined by state statutes, and the age of majority plus 7 years for minors. This policy should be established in state statutes or regulations.

#### Guidelines for the implementation of this policy:

1. If the facility is currently utilizing hard copy film to store its images, it may continue to use this method throughout the recommended retention period.
2. If the facility is currently utilizing computer media and also storing its images in a hard copy format, it may continue to use this method of retention throughout the retention period. If the images are also on computer media, the data should be backed up, or refreshed, at appropriate intervals as defined by the institution.

3. If the facility is solely utilizing computer media to store study information, for which a report is generated, the recording media are to be stored in conditions that will ensure that deterioration will not occur for the period required by this policy. *This choice requires that the facility must maintain retrieval and / or access to the stored images.*
4. If a patient's medical images are identified as being involved in a legal case, the records should immediately be coded appropriately, and maintained for the required time frame set forth by this policy (as defined by the facility). At the time the records have reached the end of the appropriate time frame for retention, the previously identified responsible parties involved in the legal action should be contacted for further instruction.
5. If records are temporarily transferred to any party, appropriate information relating to location, date of release, and individual(s) having custody of the records should be maintained.
6. If any facility is ceasing operations, it has a responsibility to its patients to ensure that all medical records are properly handled. A facility that is ceasing operations must either transfer its medical records to another facility (preferably), or provide the medical records to its patients. A certified letter as to the location, or disposition, of the records must be sent to notify the patients of the transferal.

#### Closing statement -

In addition to the following recommendations submitted in this document, the committee highly recommends that each State or Regulatory Authority develop and publish a regulatory guide with respect to image and report retention requirements. It is at the discretion of each state or regulatory authority, as to the adoption of these, or other, guidelines into enforceable regulations.

As this policy refers to the retention of the images (regardless of the mode of storage) and the resultant report, the report must be maintained for at least the same period of time specified for the images of this policy.

#### Disclaimer -

The documentation should be retained according to federal and state laws and regulations, and must be maintained for a sufficient length of time to ensure their availability to prove compliance with these laws and regulations. This policy was written without regard to the federal and state requirements for mammography record keeping. The organization's legal counsel should be consulted regarding the retention requirements of compliance for these documents.